

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Apollo D. Johnson,

Plaintiff,
v.
Case Number 12-10918
Honorable David M. Lawson
Magistrate Judge Laurie J. Michelson

John Doe Nos. 1-4,
Officer Mills,
Officer C. Shaw,
Officer W. Niernberg,
and Arus Jacobs,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION TO DISMISS AND
DISMISSING THE COMPLAINT

Presently before the Court is the report issued on November 26, 2013 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion to dismiss and dismiss the complaint. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #40] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss [dkt. #34] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 18, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 18, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON